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A
MEMORIALL

Intended to be delivered to the Lords
States, *Monday 10 March, Stilo Novo.*

TO THE

High and Mighty LORDS the STATES
of *HOLLAND.*

BY THE

Forraign Anabaptist Churches, upon the ap-
prehending and giving up

Colonel *Barkestead*, Colonel *Okey*, and
Mr. *Miles Corbet.*

To the English Resident.

Written Originally in Dutch, and Translated into English.

*Laudabant hanc urbem, quod omnes homines sibi premetuentes si
illuc perfugissent auxilii compotes faciebat. Sophocl.*

London, printed in the year 1662.

A

MEMORIAL

Intended to be delivered to the Lords
Secret, Monday 10 March, 1710/11.

High and Mighty Lords the STATES
of HOLLAND

I am by the Command of the
Colonel Barker, Colonel Gage, and
Mr. Miller Captain

To the English Ambassadors

at the English Embassy in London, and the English Ambassadors

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A

MEMORIAL

Intended to be presented to the
High and Mighty Lords, the
STATES of *HOLLAND*.

BY THE

*Forraign Anabaptist Churches there, upon
the Apprehension and yielding up of
Col. Barkstead, &c. to the English Re-
sident.*

High and Mighty Lords,

IT is not without great cause, nor without great consideration, that we make this addresse to your Lordships; we have been alwayes very unwilling to give you the trouble, much less the offence of any thing that concerns us, further then the *Publique Liberty* you have professed to maintaine, (and which

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we

we think and alwaies judged to be the Basis and surest foundation of this happy and famous State and Commonwealth) did license and indulge us.

We cannot but remember those inducements in our selves, that we say not invitation from the Custome, and Practise and Lawes of these Provinces, that drew us to take up and fix our Residence here; and we cannot but with all thankfullnesse of mind as to our particulars, acknowledge the benefits and favours besides the Common protection we have received in this place of our sojourning, by which the sorrows & difficulties which attend people Exiled, or otherwayes compelled to Abandon their beloved Native Countries, have been greatly alleviated and lessened to us, if not wholly Abated and Removed.

Nor shall we ever be wanting in all Humble, Dutiful and Civil Demeanour, in a peaceable and orderly subjection to the Magistracy set over us (though falsely traduced by our Adversaries, as if our Principles were enmity against all Government) to testifie our gratitude to your Lordships, whose Glorious and just Dominion we esteem as raised by God to this Greatnesse, as having been the Asylum and Sanctuary of his afflicted and persecuted Churches:

But amidst these Gratulations we crave your pardon my Lords, while we declare our sentiments of a late state occurrence, which seems in many circumstances thereof not obliquely to point

point at our Condition, and to endanger the enjoyment of those priviledges and immunities which have hitherto been so carefully and inviolably preserved towards all Forraigners. The matter is this:

We understand that some English Exiles comming down out of *Germany* into this Province of *Holland*, as a more convenient refuge and shelter, or rather drawn hither as to a snare and trap, for the near conveyance of it as to their reshipping again for *England*, were seized on at *Delfe*, by Sir *George Downing* the Resident of the King of Great *Brittain*, by a warrant from your Lordships, and secured for a while in the Prison of that City, where offenders against your Laws are usually and onely ought to be kept and detained.

We shall not meddle with the Conditions of those persons, nor the quality of their Crimes, which as they are not cognisable before your Lordships, will so much the lesse concern us to take notice of; Onely thus far we desire to take this fair advantage and opportunity of declaring our Abhorrance & Detestation of that Monstrous and Unparallel'd Fact, whereby the Life of that Pious and Excellent Prince King *CHARLES* the First of Great *Brittain* was so Traiterously and Barbarously taken away by some wicked Regicides in that Kingdome, to the great scanda' and Infamy of the reformed Churches throughout Christendome, and more peculiarly imputed to those of our Profession and perswasion.

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Every Circumstance of that impious Fact we do from our heart disclaime, and with fear and trembling admire and adore the Divine Justice in overtaking that wickednesse, and heaping the bloud spilt by those men upon their own heads, by a miraculous *restitution* of the *son* of that blessed Prince to the Throne of his Ancestors; the extent of whose merciful disposition is justly obstructed and impeded towards those Persons.

But that which we have to lay before your Lordships, is the naked and abstracted condition of these men (as Forraigners and as they relate to us) from any English Charge or Guilt whatsoever, of which as before, we said your Lordships are not competent Judges, and indeed no Judges at all; & therefore *quo jure* or in what latitude of equity, could your Lordships first apprehend them by your Order and by your Officer, then secure them in your Prison; and lastly without cause shown or compeering them, deliver them into the hands of the English to be sent home to their Tryall and Condemnation is our scruple.

In the Articles of the Union of these Confederate Provinces, there is expresse caution against any such Deliveries, nothing is more frequent in all the Records, Registers, and Acts of the several Treaties, Dyets, and General Councils, which we forbear to recite because they are numerous and most evident: nor shall we mention the reasons of those Lawes and Decrees because they are as obvious. But so strict has the observation

vation of them been, that an Offender in one of these Provinces escaping into another, hath thereby avoided the penalty of the Law, and unlesse for great capital crimes never was remitted to the place of his Fact.

We shall forbear to name how from (*salibus ini-*
tiis Roma crevit) from such beginnings (the con-
flux of all sort of loose people,) great *Rome* pre-
sently rose unto her Empire, because it may seem
a calumny of this State, and by our Enemies be
reflected on our selves: But this is most certain,
that no small additaments of wealth and power,
have accrued to the Netherlands, since it hath
been the common receptacle of all Nations, by
whose joynt Arts and Manufactures as well as
Arms they have improved themselves to this pu-
issant Grandeur. Nor is there any Precedent or
Example of this Nature that occurs to us in all
your Histories. The incomparably Learned
Hugo Grotius, the Honour of this Country and best
Judge in this case, though he seems to encline to
the denying of subterfuge to notorious and hain-
ous offenders, yet hath he an expedient for them,
which we thought fit to reduce to your Lord-
ships Memory. 'Such then are to be punisht or
'yielded, or removed at least; so the *Cymæ* in
'*Herodotus* when they neither would deliver Pa-
'*ges* the *Persian*, nor durst retain him, permitted
'him to depart to *Mitylene*. *Perseus* King of *Mace-*
'*don* in his defence to *Martius* speaking of those
'that were said to have conspir'd against *Emmenes*,
'So soon as, being admonisht by you, I found the men

Livy lib. 22.

Lib. 37.

in.

* in Macedonia, I commanded them away, and
 * charged them never to returne into my Do-
 * minions. The *Samotheacians* declared to *Evander*
 * who had lyen in weight for *Eumenes*, that he
 * should quit the Temple: so *Rudolphus* the Em-
 * perour removed from him *Christopher Sbovius*.
 * And Queen *Elizabeth* of England answered the
 * *Scots*, that she would either render Earl *Bothwel*
 * or send him out of England. But this right of
 * requiring to punishment them that had fled
 * their Country in these last Ages in most part of
 * *Europe*, is used only in those crimes wch do touch
 * the publique State, or are of a very hainous na-
 * ture, and unlesse in the *Conditions* of the League,
 * it be so provided, and a more close agreement
 * made. That of the English with the French ap-
 * pointed rebels and Fugitives to be yielded; with
 * the *Burgundians* to be expelled.

So it appears that the League with this State,
 being the half of that Dutchy of *Burgundy* directs
 expulsion: & we remember very well, that in the
 Treaty this State made with *Oliver Cromwell* soon
 after those Naval Fights, 1654. the most prest
 Article by him, as mainly conducing to his secu-
 rity in the Usurpation, was, that if any of the
 Enemies of the Commonwealth of England (who
 they were then reputed and taken to be, we
 list not nor is it to our purpose to mention)
 should come into those Provinces, the States
 were enjoyned upon notice and discovery of
 their being there, to warn them to depart within
 fourteen dayes out of any of their Territories,
 under

under penalty of being taken and delivered to the English. And this was reciprocal on both sides, but was carefully observed here to the no little scandal and obloquy upon this State who shewed no more respect to the interest of his illustrious Highnesse the Prince of *Aurange*, the English Royalists departing at the prefixed Time.

To say that these men are *Hostes Humani Generis*, publique Enemies of mankind, in that they have violated all Lawes both Divine and Humane, is some incentive to incompassion, but no rule of Justice. For first they should have been declared so in these Provinces, as is usual towards Pyrates, who yet notwithstanding find in some Countries defence and safeguard; For the knowledge of the cause ought to proceed the dedication and render of the criminal saith *Grotius* again. It is not meet to give up men untryed saith *Plutarch* in his *Romulus*. The King of Scotland in *Cambden*, Anno 1585. declared to Queen *Elizabeth* that he would transmit *Ferinharst* and the *Chancellour* too, if they were convicted by a fair tryal, and not before, though their guilt was very apparent.

It may be objected that the Custome in ancient times was otherwise, deducing it from that story of the *Benjaminites*, who were required to deliver up those wicked men that had committed that horrible villany on the *Levites* wife, *Judges* 20. we will not determine the matter as others doe by the successe: certainly it was for

some reason of State why the *Benjamites* refused, as taking themselves to have the absolute power and command in their own Tribe; as is also now the practise in these Provinces; besides it fits not the present matter: that demand of dedition was for a crime committed in a place and jurisdiction where their power was the proper authority of judging and punishing it; this crime was committed in a Forraign, and must be tryed and avenged in that Country. The *Philistines* also demanded *Sampson* of the *Israelites* as an Evil doer, *Judges 13.* but we see what succeeds, it took not effect; besides the *Philistines* were then Lords over the *Hebrews*, who out of fear were constrained to doe it as they give an Account of it to *Sampson* himself; Knowest thou not that the *Philistines* are rulers over us? what is this that thou hast done unto us? we are come down to bind thee that we may deliver thee into the hands of the *Philistines*: Moreover here was *Sampson*'s own consent as a warrant to that action which wanted other then the fear and danger aforesaid; for he had done nothing but what was justifiable, *Hostis Hostem occidere voluit*, as he saith himself, as they did, unto me so have they done unto them. So that there is a great disparity in the case, and which your Lordships would in no wise admit in any circumstance thereof, as owning no subjection or dependance on the Crown of *England*.

And if we might interest our selves and lay claim to the reputation of these Provinces, we should think they suffered much in losse of Honour.

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nor by this Action. For we think with due submission to your wisdoms, that the world will take this for a great diminution of that Sovereignty which you have so nobly asserted, since things of lesser moment, we conceive, have as prudentially and tenaciously been insisted on by you, and which were matters not so congenial to your Country Rights and Statutes as this case to us seems to be.

We could better expresse the matter indeed; if the Crown which is acknowledged the Defender of the Faith were not to be offended; which though some Shelterers here of that Nation of our way and Separation would offer, yet we assure your Lordships that we have no Communion with them in that thing.

Indeed there is a Maxime among the Civilians that *Utilitas est mater justitiae & aequitatis*; what justice or equity is in this matter will be shrewdly gheft whence it proceedeth. The advantages and reasons of State we confesse are too high a matter for our understanding, and the concerns of particular persons such as these mens too low for Statesmens consideration, where they interpose betwixt the Amity of Princes. And so we would acquiesce, not daring to wade in those mysteries of Government, though we cannot but be sensible of how great importance the English Friendship is to these Countries, the continuance whereof we do congratulate and shall daily pray for. But since *pena & criminal pances, terror ad omnes*, the fear of this example

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reacheth us, though the crime and punishment
(from which God hath and we hope will pre-
serve us) but these few; we are bold to implore
your Lordships wonted Protection and the Con-
firmation of our Priviledges in our Liberty and
Estates: desiring pardon if our fear hath transpor-
ted us beyond our Duty (for in small matters
and not criminal, this may chance to be drawn in
imitation) which with the greatest affection ima-
ginable, we professe to you as our Superiours and
most benign Protectours.

We shall alwayes pray for the prosperity and
happinesse of your High and Mighty Lordships,
and the people of this Countrey under your obe-
dience, hoping that in their peace we shall find
peace; that what was once said in the praise of
the *Athenians*, that they were a hiding place
and comfort to all afflicted men every where,
may be truly verified of the *Hollanders* to their
everlasting Glory and Renown.

Si crimen istis aliquot hospitibus dabis, Jus im-
(petrabis,
Vi quidem hinc non astringes. Dem. apud
(Sophoclem.

FINIS.